

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA**

**Plaintiff,**

**vs.**

**JUSTIN A. WADSWORTH**

**Defendant.**

**CASE NUMBER** 20-MJ-4041-RJD

**CRIMINAL COMPLAINT**

I, Brian Wainscott, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**Count 1**  
**(Attempted Enticement of a Minor)**

From on or about April 28, 2020, until on or about May 13, 2020, the defendant,

**JUSTIN A. WADSWORTH,**

in Williamson and Alexander Counties, Illinois, within the Southern District of Illinois, and elsewhere, using facilities of interstate commerce, that is a cellphone connected to the Internet, did knowingly attempt to persuade, induce, entice, and coerce an individual who had not attained the age of 18 years, to engage in prostitution and in sexual activity under such circumstances as would constitute a criminal act under 720 ILCS 5/11-1.60(d) (Aggravated Criminal Sexual Abuse), in violation of 18 United States Code, Section 2422(b).

I further state that this complaint is based on the following facts:

## **INTRODUCTION**

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed since 2016. I am currently assigned to the Springfield, Illinois, Division of the FBI where, for the past approximate 3 months, I have been assigned to work investigations related to violent crimes against children. Prior to this assignment, I was assigned to the Las Vegas Division of the FBI for approximately 3 years where I conducted gang and narcotics investigations. Prior to joining the FBI, I was a police officer in the Village of Mundelein, Illinois for 14 years. I have received law enforcement training from the FBI Academy at Quantico, Virginia. Since becoming a Special Agent, I have worked with experienced Special Agents who also investigate Child Exploitation offenses. In the performance of my duties, I have investigated and assisted in the investigation of matters involving the possession, collection, production, receipt, and/or transportation of images of child pornography and the solicitation and extortion of children to produce sexually explicit images of themselves. I have also investigated and assisted in the investigation of matters involving individuals using facilities of interstate commerce to knowingly persuade, induce, and entice minors to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense.

2. I have investigated and assisted in the investigation of criminal matters involving the sexual exploitation of children that constituted violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423. In connection with such investigations, I have served as case agent, have been the affiant for several complaints and search warrants and I have conducted interviews of defendants and witnesses. I also have served as an undercover agent in online child pornography cases. As a federal agent, I am authorized to investigate and assist in the prosecution of violations of laws of the United States, and to execute search warrants and

arrest warrants issued by federal and state courts.

3. The statements contained in this affidavit are based on my personal knowledge as well as on information provided to me by other law enforcement officers. This affidavit is being submitted for the limited purpose of securing a criminal complaint and an arrest warrant, and I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that JUSTIN WADSWORTH committed violations of Title 18, United States Code, Section 2422(b).

#### **STATUTORY AND LEGAL AUTHORITY**

4. This investigation concerns violations of Title 18, United States Code, Section 2422(b), relating to the enticement or the attempted enticement of minors to engage in prostitution or any sexual activity for which any person can be charged. Based upon my training and experience, as well as conversations with other experienced law enforcement officers and experienced federal prosecutors, I know the following:

a. 18 U.S.C. 2422(b) prohibits using any facility or means of interstate commerce to knowingly persuade, induce, entice or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempt to do so.

b. The internet is a facility of interstate commerce.

#### **BACKGROUND OF INVESTIGATION AND FACTS ESTABLISHING PROBABLE CAUSE**

5. On approximately April 28, 2020, an FBI Undercover Employee ("UCE") was conducting an undercover investigation on an online service hosting discussion forums and advertisements, among other things. UCE posted an advertisement referencing incest.

6. On April 28, 2020, an individual who was later identified as JUSTIN WADSWORTH (hereinafter referred to as "SUBJECT") initiated a conversation with UCE via email. The SUBJECT's initial email profile displayed the name "J W" and on April 29, 2020 the email profile displayed the name "J S." The SUBJECT initiated contact with the UCE by saying "def love incest and love young taboo" The UCE responded via email by saying "Me too, u active." The SUBJECT and UCE continued the following email conversation:

Wadsworth: Yes I am

Wadsworth: U have any pics of some

UCE: Yeah depends on what pics you want?

Wadsworth: What types do u have

UCE: Most everything but will only trade for certain ones. Who you active with?

Wadsworth: **Picture sent of a female lifting her shirt exposing her breasts.**

Wadsworth: Youngest girl u have love to see a pic

Wadsworth: I'm active with my 1st cousin right now

Wadsworth: Ok so what will u trade with

Wadsworth: I sent one

UCE: Bro thats cool, that girl is older. My 10 yo is active. **Picture sent of a purported fully clothed child. The purported child is not real.**

Wadsworth: Not as old as u think

UCE: 18/190 easy

Wadsworth: How active is she

Wadsworth: May i see more of her

UCE: Like what in particular?

Wadsworth: Just bellow and upper

UCE: Sandals made her feet dirty. **Picture sent of a purported fully clothed child. The purported child is not real.**

Wadsworth: Can I not get a pic like I ask for

Wadsworth: U there

UCE: What pic you want?

Wadsworth: U have any naked pics or intercourse pics

UCE: Gotta be careful with those. Id trade for a similar one. 18 plus isnt the same.

UCE and Wadsworth continue conversation related to pictures.

UCE: You just want pics? Interested in being active?

Wadsworth: Both / would love to see the pics

UCE: In person yes. Email me tomorrow or lets text.

Wadsworth: Where u located

UCE: Metropolis

Wadsworth: Ok

Wadsworth: Paducah Ok

Wadsworth: One good pic before u go thanks

Wadsworth: coming to metro in a bit (Wadsworth email profile name changed to "JS" starting with this email)

UCE: What u looking for?

Wadsworth: Active fun we talked last night

Wadsworth: Got a 1000.00 right now

Wadsworth: U have some pics

Wadsworth: Just asking is all

Wadsworth: Hope ur doing well

Wadsworth: Apologies if I said something wrong bro

UCE: Remind me and why did you ghost

Wadsworth: whats going on with emails I didn't ghost u at all ive msg u

UCE: ok what are you looking for?

Wadsworth: Some active fun and I'll give 1000.00 for it

UCE: BS, what active fun you want?

Wadsworth: Some young active fun

Wadsworth: And send me some pics

UCE: you first? Im down but this sounds like a set up. What young fun?

Wadsworth: No set up

Wadsworth: You sent me a pic the other night with ur hand on her thigh

Wadsworth: I have nothing to send

UCE: ill only trade good pics.

Wadsworth: Send me one. **Picture sent of a smaller framed female on all fours with her butt showing. The female is wearing underwear.**

Wadsworth: Just sent a pic send me one back

UCE: The picture doesn't show anything

Wadsworth: Really man I just sent one and nothing in return

Wadsworth: Now May i. **Picture sent of a selfie taken by a smaller framed female showing exposed breasts. The picture only shows the females torso region.**

UCE: Shes got a wedding ring on and bank card, really. older chicks have small tits too....

Wadsworth: **Picture sent of a selfie taken by a female showing her naked butt and vagina. The picture was taken in a mirror and doesn't show the females face.**

UCE: adult

UCE and Wadsworth discuss the validity of the pictures. The email exchange between UCE and Wadsworth continues:

Wadsworth: She suck dick real good

Wadsworth: Well Hope u like. **Picture sent of a smaller framed female fully clothed on all fours on top of a bed.**

UCE: she does suck dic good. Your pic could be on anyone dude.

Wadsworth: How much would it cost me to get my dick sucked

Wadsworth: I can assure u mine is legit can u prove that it's is

UCE: Im not a pimp, whatever you think is fair.

UCE: I like dont get me wrong, just havent seen young like mine, especially a good pic.

Wadsworth: Ok when can i

UCE: Wanna be active or just like chatting?

Wadsworth: Sure love to be active?

UCE: Well let me know maybe we can make something happen

Wadsworth: When can u

Wadsworth: U have a pic of her

Wadsworth: Love to see how tight her pussy is

UCE and Wadsworth coordinate to meet on May 13, 2014. UCE and Wadsworth email exchange continues:

UCE: Still coming?

Wadsworth: Now

UCE: Yeah

Wadsworth: Ok where do I come too

UCE: 639 Kennedy Dr, metro she loves gummy bears would make a great start

Wadsworth: Ok how old are you?

UCE: 40 u?

Wadsworth: Same

UCE: Cool

Wadsworth: She's 18 right wink wink

UCE: Of course wink wink

Wadsworth: ? She is 18 correct

UCE: Yes wink

Wadsworth: So this is apt which one

UCE: You here

7. The affiant along with members from the FBI conducted surveillance in the vicinity of 639 Kennedy Dr, Metropolis, Illinois. The SUBJECT notified UCE that he was there. Surveillance units observed a blue Dodge Ram truck bearing a Kentucky license plate park in the parking lot to 639 Kennedy Dr. The SUBJECT indicated that he resided in Kentucky. The SUBJECT exited his truck, walked up to the front entrance door to 639 Kennedy Dr and knocked. There was no answer, the SUBJECT returned to his truck and drove 4 blocks down the same street and parked. SUBJECT was approached by agents, and the SUBJECT was asked to consent to an interview, to which he agreed.

8. The SUBJECT was interviewed in a FBI vehicle. The SUBJECT sat in the front passenger seat and was not restrained. Prior to being asked any questions, the SUBJECT was read his constitutional advice of rights, to which he acknowledged he understood those rights. The SUBJECT initially said he was in the area for a HVAC service job but couldn't provide the correct address for the service or any details related to the service. The SUBJECT then acknowledged he met a man through online advertisement. The SUBJECT stated he traveled from his residence in Benton, Kentucky to meet the man and his 10- year old daughter. The SUBJECT said he was there to expose the man and rescue the daughter. The SUBJECT said he previously worked as a corrections officer and didn't think to notify law enforcement. The SUBJECT also didn't tell anyone of his plans and his family thought he was working. The affiant paraphrased portions of the conversation between SUBJECT and the man described above and SUBJECT confirmed he sent those messages. SUBJECT brought a package of



gummi bears for the daughter which were located in his pants pocket as he approached 639 Kennedy Dr.

9. The SUBJECT acknowledged that he had emailed the man from his cellular telephone. The SUBJECT consented to the affiant seizing and searching his cellular telephone. The SUBJECT's cellular telephone is a black LG model LG L322DL plus bearing IMEI: 356058102681291.

10. I have consulted with Assistant United States Attorney Casey Bloodworth and I am aware that the aforementioned scenario constitutes an offense under 18 U.S.C. 2422(b). The text of section 2422(b) provides:


(b) Whoever, using the mail or any facility or means of interstate or foreign commerce ... knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

The Seventh Circuit has ruled that this statutory language covers not only direct efforts by the perpetrator to persuade, induce, etc., the underage person, but that it also criminalize communication between two adults where one of the adults is purporting to be the parent or guardian of the minor child. *United States v. McMillan*, 744 F.3d 1033, 1035-36 (7<sup>th</sup> Cir. 2014). The majority of the Circuit Court of Appeals concur with *McMillan*. See *United States v. Berk*, 652 F.3d 132 (1st Cir.2011); *United States v. Douglas*, 626 F.3d 161 (2d Cir.2010) (per curiam); *United States v. Nestor*, 574 F.3d 159 (3d Cir.2009); *United States v. Caudill*, 709 F.3d 444 (5th Cir.2013); *United States v. Spurlock*, 495 F.3d 1011 (8th Cir.2007); and *United States v. Murrell*, 368 F.3d 1283 (11th Cir.2004). See also *United States v. Laureys*, 653 F.3d 27 (D.C.Cir.2011) (per curiam) (not plain error to instruct a jury that adult-to-adult communications are sufficient); *United States v. Brooks*, 60 M.J. 495 (C.A.A.F.2005) (version

of § 2422(b) incorporated in the Uniform Code of Military Justice covers adult-to-adult communications).

**CONCLUSION**

11. Based on the foregoing, I submit that there is probable cause to believe that between April 28, 2020 and May 13, 2020, JUSTIN WADSWORTH, used a facility and means of interstate commerce, mainly his cellular telephone, and knowingly attempted to persuade, induce, and entice an individual who had not attained the age of 18 years, to engage in a sexual activity for which a person could be charged in violation of 18 U.S.C. 2422(b).

  
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Brian Wamscott, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this

14th day of May, 2020, at Carbondale, Illinois.

\_\_\_\_\_  
United States Magistrate Judge

STEVEN D. WEINHOFET  
United States Attorney

  
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CASEY BLOODWORTH  
Assistant United States Attorney